S.B. CIVIL SECOND APPEAL NO.720/2003.

19.9.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri Ashok Kumar Chaudhary, for the appellant.
Shri Vimal Kumar Jain, for the respondent.

Heard learned counsel for the parties. Both the courts below have held that the plaintiff appellant has failed to prove issue No.2 that the portion of 26" x 15" alleged to have been enchroached upon by the defendant belongs to plaintiff. On account of the plaintiff having failed to prove his right, title or interest over the land in dispute measuring 26" x 15" the suit has been dismissed by both the courts below. There is a concurrent finding of fact on issue No.2 against the plaintiff appellant. Consequently no interference under Section 100 CPC in this second appeal can be made against the said findings of fact, hence the same is accordingly dismissed summarily. The stay application also stands dismissed.

(DALIP SINGH),J.

Ramchandrkhatri,PS